

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MARIANN LORD

(b) County of Residence of First Listed Plaintiff Cape May
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Kevin Console, Esquire Console Mattiacci Law, LLC
110 Marter Avenue, Suite 502 Morestown, NJ 08057
(856) 854-4000

DEFENDANTS

ACCENTURE LLP

County of Residence of First Listed Defendant Cook
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. § 621, et seq.; N.J.S.A. 10:5-1, et seq. ("NJLAD").Brief description of cause:
Age discrimination surrounding termination of employment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
in excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

April 8, 2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

MARIANN LORD
Ocean City, NJ 08226

Plaintiff

v.

ACCENTURE LLP
161 North Clark Street
Chicago, IL 60601

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

I. PRELIMINARY STATEMENT

Plaintiff, Mariann Lord, brings this action against his former employer, Accenture LLP ("Defendant"), for discriminating against Plaintiff based upon her age, in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621, *et seq.* ("ADEA") and the New Jersey Law Against Discrimination, as amended, N.J.S.A. 10:5-1, *et seq.* ("NJLAD").

Defendant terminated Plaintiff effective July 23, 2020, at age 64, for false and pretextual reasons, after approximately 13 years of dedicated service and excellent performance. Plaintiff seeks damages, including economic loss, compensatory damages, liquidated damages, punitive damages, attorneys' fees and costs, and all other relief this Court deems appropriate.

II. PARTIES

1. Plaintiff Mariann Lord is an individual and a citizen of the State of New

Jersey. Plaintiff resides in Ocean City, New Jersey.

2. Plaintiff was born on January 29, 1956 and is currently 65 years of age.

3. Defendant Accenture LLP maintains a principal place of business located in Chicago, Illinois.

4. Defendant is engaged in an industry affecting interstate commerce and regularly conducts business in the State of New Jersey.

5. At all relevant times, Defendant employed 20 or more employees.

6. At all relevant times, Defendant was an employer within the meaning of the statutes which form the basis of this matter.

7. At all relevant times, Plaintiff was an employee of Defendant within the meaning of the statutes which form the basis of this matter.

8. At all relevant times, Defendant acted by and through its authorized agents, servants, contractors and/or employees acting within the course and scope of their employment with Defendant and in furtherance of Defendant's business.

III. JURISDICTION AND VENUE

9. The causes of action which form the basis of this matter arise under the ADEA and the NJLAD.

10. The District Court has jurisdiction over Count I (ADEA) pursuant to 29 U.S.C. §626(c), 28 U.S.C. §1331 and 28 U.S.C. §1332.

11. This Court has jurisdiction over Count II (NJLAD) pursuant to 28 U.S.C. §1367 and 28 U.S.C. §1332.

12. Venue is proper in this District Court pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to these claims

occurred within this District.

13. On or about September 22, 2020, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”). Attached hereto, incorporated herein and marked as Exhibit “1” is a true and correct copy of that charge (with personal identifying information redacted).

14. On or about January 20, 2021, the EEOC issued to Plaintiff a Notice of Right to Sue pertaining to Plaintiff’s EEOC Charge. Attached hereto as Exhibit “2” is a true and correct copy of that Notice (with personal identifying information redacted).

15. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

16. Plaintiff was hired by Defendant in or around August 2007.

17. As of her July 23, 2020 termination, Plaintiff held the position of Managing Director, Business Process Outsourcing Sales Capture Lead.

18. Throughout her approximately 13 years of service with Defendant, Plaintiff was a loyal and dedicated employee who performed her job duties in a highly successful manner. Plaintiff received merit bonuses and positive feedback throughout her employment.

19. Plaintiff worked out of her home office in New Jersey.

20. As of in or around January 2020, Plaintiff began reporting to James Reesing (“Reesing”) (approximate age 48), Managing Director of Sales.

21. Reesing reporting to Ronald Ableman (approximate age 48), Lead Sales for North America.

22. Before reporting to Reesing, Plaintiff reported to Mark Allen (“Allen”) (approximate age 50), Business Process Services Products Northeast Portfolio Lead.

23. To the best of Plaintiff’s knowledge, she was the oldest employee directly reporting to Allen.

24. To the best of Plaintiff’s knowledge, she was the oldest employee directly reporting to Reesing.

25. In or around early 2019, Thad Reece (“Reece”) (approximate age 45), Sales Capture Lead, was transferred to Plaintiff’s team to lead certain origination efforts and to work on accounts that Plaintiff had previously worked on and led.

26. Defendant’s stated reason for transferring Reece to Plaintiff’s team was to secure more business opportunities for Defendant.

27. Upon information and belief, the real reason that Reece was transferred to Plaintiff’s team to lead certain origination efforts and to work on accounts that Plaintiff had previously worked on and led was because of Plaintiff’s age.

28. In or around mid-2019, Plaintiff was given less substantial sales opportunities than she had previously been given by Defendant.

29. Instead of giving those sales opportunities to Plaintiff, Defendant gave them to younger employees, including Reece.

30. Plaintiff was not given any explanation as to why she was given less substantial sales opportunities than she had been given previously.

31. Plaintiff was given less substantial sales opportunities because of her age.

32. Plaintiff repeatedly sent emails to and scheduled phone calls with Allen, Reece, Reesing and Amy LaRosa (approximate age 48), Managing Director, requesting

additional work and opportunities.

33. In response to Plaintiff's requests, she was told that she would be given more work and opportunities, but she was not.

34. Plaintiff received less additional and substantial work and opportunities as compared to younger employees.

35. Plaintiff received less additional and substantial work and opportunities because of her age.

36. During Plaintiff's 2019 year-end review, Allen told Plaintiff that her sales numbers did not reach the target Defendant set for her as a result of Defendant's failure to provide her with sales opportunities.

37. On or about June 22, 2020, during a phone call with Allen, Defendant terminated Plaintiff's employment, effective July 23, 2020.

38. Defendant's stated reason for terminating Plaintiff was that, due to COVID-19, Defendant initiated a reduction in force, and Plaintiff was selected due to the loss of Defendant's Wabtec account.

39. Defendant offered no explanation, including the selection criteria, as to why Plaintiff was terminated while substantially younger employees were retained.

40. As of when Plaintiff was terminated, Defendant retained substantially younger employees who were working on the Wabtec account.

41. As of when Plaintiff was terminated, Defendant retained substantially younger employees in positions for which Plaintiff was more qualified.

42. All of the employees that Defendant retained in Plaintiff's department as of her termination were substantially younger than Plaintiff.

43. Plaintiff had no opportunity or option to remain employed at Defendant.

44. Plaintiff had no disciplinary or performance issues throughout her employment.

45. Defendant terminated Plaintiff's employment because of her age.

46. Defendant assigned Plaintiff's job duties to substantially younger employees.

47. Plaintiff was as, if not more, qualified and experienced to perform her job duties as compared to the substantially younger employees to whom Defendant assigned her job duties.

48. As of Plaintiff's termination, according to Defendant's OWBPA list, Defendant retained the following younger employees in positions for which Plaintiff was more qualified:

- age 32, Operations Account Leadership Senior Manager;
- age 36, Account Executive, Operations;
- age 37, Sales Capture Manager;
- age 37, Operations Account Leadership Senior Manager;
- age 38, Operations Account Leadership Senior Manager;
- age 38, Operations Account Leadership Senior Manager;
- age 38, Operations Account Leadership Senior Manager;
- age 38, Business Operations Senior Analyst;
- age 38, Procurement Category Manager;
- age 38, Service Management Associate Manager;
- age 40, Operations Account Leadership Senior Manager;
- age 40, Operations Account Leadership Senior Manager;
- age 41, Operations Account Leadership Senior Manager;
- age 42, Operations Account Leadership Senior Manager;
- age 42, Operations Account Leadership Senior Manager;
- age 42, Sales Capture Senior Manager;
- age 43, Operations Account Leadership Senior Manager;
- age 43, Operations Account Leadership Senior Manager;
- age 43, Operations Account Leadership Senior Manager;
- age 43, Operations Account Leadership Senior Manager;
- age 43, Operations Account Leadership Senior Manager;
- age 44, Operations Account Leadership Senior Manager;

- age 44, Senior Portfolio Executive, Operations
- age 45, Senior Account Executive, Operations;
- age 45, Operations Account Leadership Senior Manager;
- age 45, Operations Account Leadership Manager;
- age 46, Account Executive, Operations;
- age 46, Operations Account Leadership Senior Manager;
- age 46, Operations Account Leadership Senior Manager;
- age 46, Operations Account Leadership Senior Manager;
- age 47, Operations Account Leadership Senior Manager;
- age 47, Operations Account Leadership Senior Manager;
- age 47, Operations Account Leadership Senior Manager;
- age 47, Operations Account Leadership Senior Manager;
- age 47, Account Executive, Operations;
- age 47, Account Director, Operations;
- age 48, Senior Portfolio Executive, Operations;
- age 48, Portfolio Executive, Operations;
- age 48, Operations Account Leadership Manager;
- age 48, Senior Sales Management Executive;
- age 48, Account Executive, Operations;
- age 48, Operations Account Leadership Senior Manager;
- age 49, Service Management Manager;
- age 50, Portfolio Director, Operations;
- age 50, Operations Account Leadership Senior Manager;
- age 50, Account Executive, Operations;
- age 51, Sales Management Director;
- age 51, Operations Account Leadership Senior Manager;
- age 51, Operations Account Leadership Senior Manager;
- age 53, Operations Account Leadership Senior Manager;
- age 56, Operations Account Leadership Senior Manager;
- age 56, Operations Account Leadership Senior Manager;
- age 56, Operations Account Leadership Senior Manager;
- age 56, Sales Capture Senior Manager;
- age 57, Operations Account Leadership Senior Manager;
- age 58, Operations Account Leadership Senior Manager;
- age 58, Operations Account Leadership Senior Manager;
- age 59, Operations Account Leadership Senior Manager; and
- age 59, Account Director, Operations.

49. Leading up to and following Plaintiff's termination, Defendant hired substantially younger employees into positions for which Plaintiff was more qualified.

50. Plaintiff outperformed similarly situated and substantially younger employees who were retained by Defendant.

51. As a direct and proximate result of the discriminatory conduct of Defendant, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings and/or earning capacity, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

52. Plaintiff's age was a motivating and determinative factor in Defendant's decision to terminate Plaintiff's employment.

53. Defendant acted with malice and/or reckless indifference to Plaintiff's protected rights. The conduct of Defendant, as set forth above, was outrageous under the circumstances and warrants the imposition of punitive damages against Defendant.

COUNT I – ADEA

54. Plaintiff incorporates herein by reference the above paragraphs as if set forth herein in their entirety.

55. By committing the foregoing acts of discrimination against Plaintiff, Defendant has violated the ADEA.

56. As a direct and proximate result of Defendant's violation of the ADEA, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.

57. Said violations were willful and warrant the imposition of liquidated damages.

58. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory acts unless and until this Court grants the relief requested herein.

59. No previous application has been made for the relief requested herein.

COUNT II – NJLAD

60. Plaintiff incorporates herein by reference the above paragraphs as if set forth herein in their entirety.

61. Defendant, by engaging in the discriminatory acts set forth herein, has violated the NJLAD.

62. Members of Defendant's upper management had actual participation in, or willful indifference to, Defendant's wrongful conduct described herein.

63. Defendant's wrongful actions were especially egregious, warranting the imposition of punitive damages.

64. As a direct and proximate result of Defendant's violations of the NJLAD, Plaintiff has suffered the damages and losses set forth herein.

65. Plaintiff is now suffering and will continue to suffer irreparable injury as a result of Defendant's discriminatory and unlawful acts unless and until this Court grants the relief requested herein.

RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant, by:

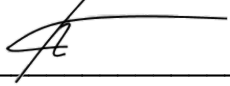
- a. declaring the acts and practices complained of herein to be a violation of the ADEA;
- b. declaring the acts and practices complained of herein to be a violation of the NJLAD;
- c. enjoining and restraining permanently the violations alleged herein;

- d. awarding damages to Plaintiff for past and future economic losses;
- e. awarding compensatory damages to Plaintiff for past and future emotional upset, mental anguish, humiliation, loss of life's pleasures, and pain and suffering;
- f. awarding punitive damages to Plaintiff pursuant to the NJLAD;
- g. awarding liquidated damages to Plaintiff pursuant to the ADEA;
- h. awarding Plaintiff the costs of suit, expert fees and other disbursements, and reasonable attorneys' fees; and
- i. granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.
- j. awarding Plaintiff such other damages as are appropriate under the ADEA, the NJLAD and federal and state law; and
- k. granting such other and further relief as this Court deems appropriate.

Dated: April 8, 2021


CONSOLE MATTIACCI LAW, LLC

By: _____


Kevin Console, Esq.
110 Marter Ave, Suite 502
Moorestown, NJ 08057
(856) 854-4000
kevinconsole@consolelaw.com

Attorney for Plaintiff,
Mariann Lord

EXHIBIT 1

CHARGE OF DISCRIMINATION		AGENCY <input type="radio"/> FEPA <input checked="" type="radio"/> EEOC	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See privacy statement before consolidating this form.			
STATE OR LOCAL AGENCY:			
NAME (Indicate Mr., Ms., Mrs.) Mariann Lord		HOME TELEPHONE NUMBER (Include Area Code) REDACTED	
STREET ADDRESS REDACTED		CITY, STATE AND ZIP Ocean City, NJ 08226	DATE OF BIRTH REDACTED
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP, COMMITTEE, STATE OF LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST ME (If more than one than list below)			
NAME Accenture LLP		NUMBER OF EMPLOYEES, MEMBERS > 20	TELEPHONE (Include Area Code) (877) 889-9009
STREET ADDRESS 161 North Clark Street		CITY, STATE AND ZIP Chicago, IL 60601	COUNTY Cook
CAUSE OF DISCRIMINATION (Check appropriate box(es)) <input type="radio"/> Race <input type="radio"/> Color <input type="radio"/> Sex <input type="radio"/> Religion <input type="radio"/> National Origin <input type="radio"/> Retaliation <input checked="" type="radio"/> Age <input type="radio"/> Disability <input type="radio"/> Other (Specify)		DATE DISCRIMINATION TOOK PLACE Earliest Latest 07/23/2020	
<u>The Particulars Are:</u>			
A. 1. Relevant Work History			
I was hired by Respondent on or about August 2007. I last held the position of Managing Director, Business Process Outsourcing Sales Capture Lead. I reported to James Reesing (48 ^a), Managing Director, Sales. Reesing reported to Ronald Ableman (48), Lead Sales for North America. I worked out of my home office in New Jersey.			
Respondent terminated my employment because of my age. I was age sixty-four (64) with more than thirteen (13) years of service at Respondent. When I was terminated, Respondent retained substantially younger employees in positions for which I was more qualified and assigned my job duties and responsibilities to less qualified, substantially younger employees.			
I consistently demonstrated positive performance and dedication to Respondent. I performed my duties in a highly competent manner and received positive feedback.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures		NOTARY - (when necessary for State and Local Requirements) I swear of affirm that I have read the above charge and that it is true to the best of my knowledge information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.			
Date: Charging Party (Signature): 		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day Month, and year)	

^a All ages herein are approximations.

EEOC Charge of Discrimination
Page 2 of 5
Initials of Charging Party –

2. Harm Summary

I have been discriminated against because of my age (64). Evidence of the discriminatory conduct to which I have been subjected includes, but is not limited to, the following.

- (a) Before I reported to Reesing, I reported to Mark Allen (50), Business Process Services Products Northeast Portfolio Lead.
- (b) I was the oldest employee, to my knowledge, directly reporting to Allen.
- (c) In or about early 2019, Thad Reece (45), Sales Capture Lead, was transferred to the same team that I was part of to lead certain origination efforts and assigned to work on accounts that I had previously worked on and led. The stated reason was to secure more business opportunities for Respondent.
- (d) Reece was transferred to the same team that I was part of to lead certain origination efforts and assigned to work on accounts that I had previously worked on and led because of my age.
- (e) In or about mid-2019, I was given fewer substantial sales opportunities than I had received previously. Instead of giving me substantial sales opportunities, Respondent gave them to younger employees, including Reece.
- (f) I received no explanation as to why I was given fewer substantial sales opportunities than I had received previously.
- (g) I was given fewer substantial sales opportunities than I had received previously because of my age.
- (h) I repeatedly sent emails to and scheduled phone calls with Allen, Reece, Reesing and Amy LaRosa (48), Managing Director, requesting additional work and opportunities. I was told that I would be given more work and opportunities, but I was not.
- (i) I received fewer additional and substantial work and opportunities than younger employees received.
- (j) I received fewer additional and substantial work and opportunities than younger employees received because of my age.
- (k) In or about January 2020, I began directly reporting to Reesing.
- (l) I was the oldest employee directly reporting to Reesing.
- (m) On June 22, 2020, on a phone call with Allen, Respondent terminated my employment, effective July 23, 2020. The stated reason was that, due to COVID-19, Respondent initiated a reduction in force, and I was selected due to the loss of Respondent's Wabtec account.
- (n) Respondent terminated my employment because of my age.
- (o) Respondent offered no explanation, including the selection criteria, as to why I was terminated and substantially younger employees were retained.

EEOC Charge of Discrimination
Page 3 of 5
Initials of Charging Party –

- (p) When I was terminated, Respondent retained substantially younger employees who were working on the Wabtec account.
- (q) When I was terminated, Respondent retained substantially younger employees in positions for which I was more qualified.
- (r) All of the employees that Respondent retained in my department when I was terminated were substantially younger than me.
- (s) I had no opportunity or option to remain employed with Respondent.
- (t) I had no disciplinary or performance issues throughout my employment.
- (u) Respondent assigned my job duties to substantially younger employees. I was as, if not more, qualified and experienced to perform my job duties than the substantially younger employees to whom Respondent assigned my job duties.
- (v) When I was terminated, according to Respondent's OWBPA list, Respondent retained the following younger employees in positions for which I was more qualified.
 - i. _____ (32), Operations Account Leadership Senior Manager;
 - ii. _____ (36), Account Executive, Operations;
 - iii. _____ (37), Sales Capture Manager;
 - iv. _____ (37), Operations Account Leadership Senior Manager;
 - v. _____ (38), Operations Account Leadership Senior Manager;
 - vi. _____ (38), Operations Account Leadership Senior Manager;
 - vii. _____ (38), Operations Account Leadership Senior Manager;
 - viii. _____ (38), Business Operations Senior Analyst;
 - ix. _____ (38), Procurement Category Manager;
 - x. _____ (38), Service Management Associate Manager;
 - xi. _____ (40), Operations Account Leadership Senior Manager;
 - xii. _____ (40), Operations Account Leadership Senior Manager;
 - xiii. _____ (41), Operations Account Leadership Senior Manager;
 - xiv. _____ (42), Operations Account Leadership Senior Manager;
 - xv. _____ (42), Operations Account Leadership Senior Manager;
 - xvi. _____ (42), Sales Capture Senior Manager;
 - xvii. _____ (43), Operations Account Leadership Senior Manager;
 - xviii. _____ (43), Operations Account Leadership Senior Manager;

EEOC Charge of Discrimination
Page 4 of 5
Initials of Charging Party –

- xix. _____ (43), Operations Account Leadership Senior Manager;
- xx. _____ (43), Operations Account Leadership Senior Manager;
- xxi. _____ (43), Operations Account Leadership Senior Manager;
- xxii. _____ (44), Operations Account Leadership Senior Manager;
- xxiii. _____ (44), Senior Portfolio Executive, Operations
- xxiv. _____ (45), Senior Account Executive, Operations;
- xxv. _____ (45), Operations Account Leadership Senior Manager;
- xxvi. _____ (45), Operations Account Leadership Manager;
- xxvii. _____ (46), Account Executive, Operations;
- xxviii. _____ (46), Operations Account Leadership Senior Manager;
- xxix. _____ (46), Operations Account Leadership Senior Manager;
- xxx. _____ (46), Operations Account Leadership Senior Manager;
- xxxi. _____ (47), Operations Account Leadership Senior Manager;
- xxxii. _____ (47), Operations Account Leadership Senior Manager;
- xxxiii. _____ (47), Operations Account Leadership Senior Manager;
- xxxiv. _____ (47), Operations Account Leadership Senior Manager;
- xxxv. _____ (47), Account Executive, Operations;
- xxxvi. _____ (47), Account Director, Operations;
- xxxvii. _____ (48), Senior Portfolio Executive, Operations;
- xxxviii. _____ (48), Portfolio Executive, Operations;
- xxxix. _____ (48), Operations Account Leadership Manager;
- xl. _____ (48), Senior Sales Management Executive;
- xli. _____ (48), Account Executive, Operations;
- xl. _____ (48), Operations Account Leadership Senior Manager;
- xl. _____ (49), Service Management Manager;
- xliv. _____ (50), Portfolio Director, Operations;
- xl. _____ (50), Operations Account Leadership Senior Manager;
- xlvi. _____ (50), Account Executive, Operations;

EEOC Charge of Discrimination
Page 5 of 5
Initials of Charging Party –

- xlvi. _____ (51), Sales Management Director;
- xlvi. _____ (51), Operations Account Leadership Senior Manager;
- xlix. _____ (51), Operations Account Leadership Senior Manager;
- l. _____ (53), Operations Account Leadership Senior Manager;
- li. _____ (56), Operations Account Leadership Senior Manager;
- lii. _____ (56), Operations Account Leadership Senior Manager;
- liii. _____ (56), Operations Account Leadership Senior Manager;
- liv. _____ (56), Sales Capture Senior Manager;
- lv. _____ (57), Operations Account Leadership Senior Manager;
- lvi. _____ (58), Operations Account Leadership Senior Manager;
- lvii. _____ (58), Operations Account Leadership Senior Manager;
- lviii. _____ (59), Operations Account Leadership Senior Manager;
- lix. _____ (59), Account Director, Operations.

(w) Respondent recently hired substantially younger employees in positions for which I was more qualified.

(x) Respondent's age discrimination has caused me emotional distress.

B. 1. Respondent's Stated Reasons

- (a) Respondent's stated reason for terminating my employment, that, due to COVID-19, Respondent initiated a reduction in force, and I was selected due to the loss of the Wabtec account, is pretext for age discrimination.

C. 1. Statutes and Bases for Allegations

I believe that Respondent has discriminated against me based on my age (64), in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621, *et seq.* ("ADEA"), and the New Jersey Law Against Discrimination, as amended, N.J.S.A. § 10:5-1, *et seq.* ("NJLAD") as set forth herein.

EXHIBIT 2

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Mariann Lord**
REDACTED
Ocean City, NJ 08226

From: **Philadelphia District Office**
801 Market Street
Suite 1000
Philadelphia, PA 19107

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2020-05947

Legal Unit,
Legal Technician

(267) 589-9700

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☐ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☒ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Jamie R. Williamson,
District Director

1/20/2021

(Date Issued)

Enclosures(s)

CC: **Michael Roche, Esq.**
Attorney at Law
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601

Emily Derstine Friesen, Esq.
CONSOLE MATTIACCI LAW, LLC
1525 Locust Street, 9th Floor
Philadelphia, PA 19102

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.